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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,755	05/04/2005	Andreas Kursawe	30051/41010	6707

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EXAMINER	
GOFF II, JOHN L	

ART UNIT	PAPER NUMBER
1746	

NOTIFICATION DATE	DELIVERY MODE
01/07/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mgbdocket@marshallip.com

Office Action Summary	Application No.	Applicant(s)	
	10/533,755	KURSAWE, ANDREAS	
	Examiner	Art Unit	
	John L. Goff	1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 April 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5-11 and 13-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5-11 and 13-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *04 May 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/13/10 has been entered.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-3, 5-11, and 13-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1-3 and 11 as amended require "wherein the address information assigned to a first one of the plug receptacles differs from the address information assigned to a second one of

the plug receptacles". Applicants specification and in particular paragraphs 0012, 0013, 0009, and 0039-0042 does not disclose the addressed information assigned to one plug receptacle differs from the other.

5. Claims 1-3, 5-11, and 13-15 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 1-3 and 11 require "each of the plug receptacles having assigned thereto a preset address information, wherein the address information is an IP-address", "and wherein the address information assigned to a first one of the plug receptacles differs from the address information assigned to a second one of the plug receptacles", and "wherein, when a control unit of a labeling unit is connected to any one of the plug receptacles, the present address information assigned to this plug receptacle can be transmitted to the control unit of the labeling unit". A conventional network utilizing assigned IP-address information provides that each device connect to each other using a network interface controller wherein each device has an assigned IP address stored within the memory of each device, it being noted the address is entered directly into the device or assigned to the device from a device including a server of assignable addresses on the network. It appears applicants utilize this type of network wherein the device 2 including control unit 10 has an assigned IP-address stored therein (Paragraph 0043) and each device 3-5 including a control unit 11-13 is assigned an IP-address (Paragraph 0012) stored therein, e.g. entered directly or as transmitted from the control unit 10 wherein the control unit 10 acts as including an assignable address sever, and the control unit of each device communicates to each other via

connecting lines (14a-14d). The connecting lines of control unit 10 are connected with the connecting lines of control units 11-13 via a receptacle associated with the control unit 10 and plugs associated with control units 11-13. A conventional plug receptacle acts in combination with a plug to form a continuous path. A conventional plug receptacle would not inherently include any structure with which to communicate with the control unit 10. Thus, the only structure described in applicants specification required to perform the claimed limitations is a device 2 including control unit 10 having an IP address and the memory to store and transmit IP addresses to the devices 3-5 including control units 11-13 which control units include memory for storing the assigned IP address and connecting lines (14a-14d) for connecting the control unit 10 and control units 11-13 which lines include a plug receptacle and plugs for forming a continuous connection. It is unclear what if any other structure is required to perform the claim limitations set forth above as applicants specification does not further describe any. In the event that no further structure is required and it is argued the claim limitations are met necessarily by a network including the structure set forth above this rejection will be withdrawn.

Claim Rejections - 35 USC § 103

6. Claims 1, 5(1)-10(1), and 15(1) are rejected under 35 U.S.C. 103(a) as being unpatentable over Bright et al. (EP 1122173) in view of Erich (WO 03/024861 with US 2004/0099379 used as a translation) and Hashiguchi et al. (U.S. Patent Application Publication 2002/0161467).

Bright discloses a method and device for labeling containers. Bright teaches a conveyance device (10) for conveying containers including a computer/control unit (20) for transmitting and receiving data. Bright teaches at least one labeling unit (210-214) for applying

labels to conveyed containers connectable to the conveyance device including where the unit is capable of transmitting and receiving data (Figures 5 and 6 and Paragraphs 0019, 0033, 0044, 0052, 0056, and 0093).

As to "which at least one control unit of a corresponding exchangeable labeling unit for containers may be connected via one of multiple plug receptacles that are provided on the conveyance device", Bright does not specifically describe the labeling unit as "exchangeable" or the conveyance device as including multiple plug receptacles. However, there is no description in Bright that the unit is somehow permanently installed, and Bright simply depicts the at least one labeling unit as adjacent the conveyance device without any disclosure of attachment. Bright does teach the labeling unit is capable of transmitting and receiving data with the conveyance device, Bright suggests using multiple labeling units, and Bright suggests using a number of different types of labels suggesting different labeling units. Erich discloses a device similar to that of Bright wherein the labeling units (30) are exchangeable for a different type of labeling unit depending upon the desired type of label construction with the unit comprising a control unit (34) having a detachable plug connection for connecting with the conveyance device (Figures 1 and 4 and Paragraphs 0008, 0029, 0031, and Claim 21). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the labeling units and conveyance device taught by Bright such that the units are exchangeable as shown by Erich via plugs on the labeling units and multiple plug receptacles on the conveyance device such that the device can use any different type of label construction as desired.

As to "each of the plug receptacles having assigned thereto preset address information, wherein the address information is an IP-address", "wherein the address information assigned to

a first one of the plug receptacles differs from the address information assigned to a second one of the plug receptacles" and "wherein, when a control unit of a labeling unit is connected to any one of the plug receptacles, the preset address information assigned to this plug receptacle can be transmitted to the control unit of the labeling unit", Bright as modified by Erich teaches both the conveyance device and at least one labeling unit/device include control units for controlling the devices, e.g. via components and sensors, and transmitting and receiving data between the devices. Bright is not limited to any particular type of control unit/computer (Paragraphs 0051 and 0052). Erich is not limited to any particular control units. Hashiguchi is directed to an inexpensive production management system and system for checking operating conditions of product producing devices. Hashiguchi teaches each of the devices interact to form a network of devices with each device comprising a control unit (3) which includes a computer and network interface (Figure 3) having an IP-addressed assigned thereto and stored therein the control unit capable of controlling the components and sensors of the device, capable of transmitting and receiving data over the internal computer network or internet connection by connecting with the network or internet, and capable of storing transmitted and received information using internal memory (Figures 1 and 3 and Paragraphs 0001, 0004, 0009, 0011, 0013, 0049, 0050, 0054, 0057-0059, 0063-0067, and 0138). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use as the computer or control unit for each of the conveyance device and at least one labeling unit of Bright as modified by Erich a control unit as shown by Hashiguchi to form an inexpensive production management system for labeling the containers and system for checking operation conditions of the conveyance device and the at least one labeling unit with each control unit capable of transmitting data back and forth between

the device and unit. Hashiguchi teaches each control unit includes a preset unique IP address or the addresses may be allocated dynamically, e.g. by DHCP, using a normal address allocation device wherein the location of the allocation device is not critical (Paragraphs 0050, 0054, and 0138). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the address allocation device taught by Bright as modified by Erich and Hashiguchi within the control unit on the conveyance device as the conveyance device is the only part of the device that is not exchangeable.

Thus, Bright as modified by Erich and Hashiguchi teach a conveyance device including a control unit having an IP address and the memory to store and transmit IP addresses to the exchangeable labeling units, i.e. several items of address information, each of which include a control unit including memory for storing the assigned IP address and connecting lines for connecting the control unit of the conveyance device and the control units of the exchangeable labeling units which lines include a plug receptacle and plugs for forming a continuous connection wherein this structure is the same as the structure disclosed in applicants specification for "each of the plug receptacles having assigned thereto preset address information, wherein the address information is an IP-address", "wherein the address information assigned to a first one of the plug receptacles differs from the address information assigned to a second one of the plug receptacles" and "wherein, when a control unit of a labeling unit is connected to any one of the plug receptacles, the preset address information assigned to this plug receptacle can be transmitted to the control unit of the labeling unit" such that Bright as modified above is considered to perform/have the capability to perform the same.

As to "wherein at least identification data of the labeling unit can be transmitted to the conveyance device, the identification data being identity information of the control unit of the labeling unit, including at least an electronic nameplate of the labeling unit, the electronic nameplate including the type of machine, the commission number or the software version number of the labeling unit, the identification data distinguishing the labeling unit from at least one other labeling unit", claim 1 is directed to the conveyance device and does not require the exchangeable labeling unit such that the above limitation does not further limit the conveyance device only the exchangeable labeling unit.

Regarding claim 6, Hashiguchi teaches the connecting lines are 10Base-T connections wherein 10Base-T connections necessarily include more than one line for transmitting information back and forth considered "at least two different connecting lines are provided which connect a control unit of the conveyance device and the control unit of a labeling unit, and wherein one connecting line is provided for transmitting address information and the other connecting line is proved at least for transmitting the identification data".

Regarding claim 15, Hashiguchi teaches using conventional connecting lines without requiring the lines are shared or exclusive to any particular transmitted data. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use as the connecting lines in Bright as modified by Erich and Hashiguchi lines exclusive to specific data transmitted such as the IP addresses as opposed to shared between all the data transmitted to ensure the data is not lost or dropped as a result of sharing the connecting line.

7. Claims 2, 3, 5(3)-10(3), 11, 13, 14, and 15(2, 3) are rejected under 35 U.S.C. 103(a) as being unpatentable over Bright, Erich, and Hashiguchi as applied to claims 1, 5(1)-10(1), and 15(1) above, and further in view of Kjellberg (U.S. Patent Application 2004/0024867) or O'Toole et al. (U.S. Patent 6,345,294)

As to "wherein at least identification data of the labeling unit can be transmitted to the conveyance device, the identification data being identity information of the control unit of the labeling unit, including at least an electronic nameplate of the labeling unit, the electronic nameplate including the type of machine, the commission number or the software version number of the labeling unit, the identification data distinguishing the labeling unit from at least one other labeling unit", Bright as modified by Erich and Hashiguchi is not limited to any particular data transmitted between the conveyance device and at least one exchangeable labeling unit suggesting position and status of the components of the unit, status of the label supply, etc. It is conventional in the art of interconnecting devices over a network that when a device connects to the network the device transmits identification data such as the type of machine, software version, etc. to other devices connected to the network to distinguish the device from other devices and establish the relationship between the device being connected and the devices already connected prior to transmitting further operational data as shown by Kjellberg (Paragraphs 0004) or O'Toole (Column 12, lines 21-41). It would have been obvious to one of ordinary skill in the art at the time the invention was made that the control unit of the at least one exchangeable labeling unit taught by Bright as modified by Erich and Hashiguchi transmit conventional identification data such as the type of machine, software version, etc. to the control unit of the conveyance device as suggested by Kjellberg or O'Toole to identify the labeling unit

to the conveyance device and establish the proper connection between the two prior to transmitting operational data.

Regarding claim 13, the connecting lines are considered "various connections".

Response to Arguments

8. Applicant's arguments with respect to claims 1-3, 5-11, and 13-15 have been considered but are moot in view of the new ground(s) of rejection.

The new limitations are fully addressed above.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John L. Goff** whose telephone number is **(571)272-1216**. The examiner can normally be reached on M-F (7:30 AM - 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katarzyna Wyrozebski can be reached on (571) 272-1127. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John L. Goff/
Primary Examiner, Art Unit 1746